

CLAY COUNTY PLANNING AND ZONING COMMISSION MINUTES

June 2, 2020

Regular meeting of the Clay County Planning and Zoning Commission, via video conference.

Call to Order at 6:35 pm.

Roll Call

Members Present: Tom Decker, Chris Higgins, David Rhodus, Marvin Davis and Brad Scarlett

Members Absent: Terri Griffen

Staff Present: Kipp Jones, Planning and Zoning Manager
Debbie Brady, Planner
Angie Stokes, Administrative Assistant
Andy Roffmann, County Counselor

Mr. Decker: Calls the June 3, 2020 Planning and Zoning Commission meeting to order, request roll call.

Mr. Jones: Terri Griffen?

Ms. Griffen: Absent.

Mr. Jones: David Rhodus?

Mr. Rhodus: Present.

Mr. Jones: Marvin Davis?

Mr. Davis: Present.

Mr. Jones: Brad Scarlett?

Mr. Scarlett: Present.

Mr. Jones: Chris Higgins?

Mr. Higgins: Present.

Mr. Jones: Chairman Tom Decker?

Mr. Decker: Present. Calls for a motion for the approval of the March 3, 2020 Planning and Zoning Commission minutes.

Mr. Davis: Moves to approve the minutes

Mr. Rhodus: Seconds the motion.

Mr. Decker: Calls for a vote.

Mr. Jones: David Rhodus?

Mr. Rhodus: Approve.

Mr. Jones: Marvin Davis?

Mr. Davis: Approve.

Mr. Jones: Brad Scarlett

Mr. Scarlett: Approve.

Mr. Jones: Chris Higgins?

Mr. Higgins: Approve.

Mr. Jones: Chairman Tom Decker?

Mr. Decker: Approve.

Final Vote: 5/0/0 Approve March 3, 2020 Minutes

Mr. Jones: Stated the first two cases on the Agenda were requested by the applicants to be tabled until the August 4th meeting.

Mr. Decker: Asked for a staff report on the first case April 20-116RZ/P; a request for rezoning from Agricultural (AG) District to Residential Ranchette (R-5) District with an Agricultural Land Preservation (ALP) Preservation Overlay District (POD) and preliminary plat approval of Cucchiara

Corners, located at the northwest corner of NE 188th Street and Cameron Road, the applicant is Tony Cucchiara, representing FJC Holdings, LLC.

Mr. Jones: Attaches the staff report as part of the official record, summarizes April 20-116RZ/P dated May 21, 2020.

Ms. Decker: Asked for any questions from the Commission, being none calls on the applicant asked if Mr. Cucchiara understood the staff report and the conditions in Exhibit A.

Mr. Cucchiara: Stated he understood and did not have any questions.

Mr. Decker: Opens public comments, being none entertained a motion for the rezoning of Cucchiara Corners.

Mr. Davis: Moves to approve the rezoning.

Mr. Rhodus: Seconds the motion.

Mr. Decker: Calls for a vote.

Mr. Jones: David Rhodus?

Mr. Rhodus: Approve.

Mr. Jones: Marvin Davis?

Mr. Davis: Approve.

Mr. Jones: Brad Scarlett?

Mr. Scarlett: Approve.

Mr. Jones: Chris Higgins?

Mr. Higgins: Approve.

Mr. Jones: Chairman Tom Decker?

Mr. Decker: Approve.

**Final Vote: 5/0/0 Approve; April 20-116RZ/P; Cucchiara Corners – Rezoning
With zero (0) Conditions**

Mr. Decker: Entertained a motion for the preliminary plat of Cucchiara Corners with conditions in Exhibit A.

Mr. Davis: Moves to approve the preliminary plat with conditions.

Mr. Rhodus: Seconds the motion.

Mr. Decker: Calls for a vote.

Mr. Jones: David Rhodus?

Mr. Rhodus: Approve with conditions.

Mr. Jones: Marvin Davis?

Mr. Davis: Approve with conditions.

Mr. Jones: Brad Scarlett?

Mr. Scarlett: Approve with conditions.

Mr. Jones: Chris Higgins?

Mr. Higgins: Approve with conditions.

Mr. Jones: Chairman Tom Decker?

Mr. Decker: Approve with conditions.

**Final Vote: 5/0/0 Approve; April 20-116RZ/P; Cucchiara Corners – Preliminary Plat
With three (3) Conditions**

Mr. Decker: Asked for a staff report on case April 20-117F, a request for final plat approval for the proposed subdivision of Cucchiara Corners, locate at the northwest corner of NE 188th Street and Cameron Road, the applicant is Tony Cucchiara, representing FJC Holdings, LLC.

Mr. Jones: Attaches the staff report as part of the official record, summarizes April 20-117F dated May 22, 2020.

Mr. Decker: Inquired if there were any questions from the Planning and Zoning Board.

Mr. Davis: Asked if all the driveways will be on NE 188th Street.

Mr. Cucchiara: Replied the driveways would be on NE 188th Street.

Ms. Decker: Being no other questions asked if Mr. Cucchiara understood the staff report and the conditions attached.

Mr. Cucchiara: Stated yes.

Mr. Decker: Opens public comment, being none entertained a motion for the final plat of Cucchiara Corners with conditions attached.

Mr. Davis: Moves to approve with conditions.

Mr. Rhodus: Seconds the motion.

Mr. Decker: Calls for a vote.

Mr. Jones: David Rhodus?

Mr. Rhodus: Approve with conditions.

Mr. Jones: Marvin Davis?

Mr. Davis: Approve with conditions.

Mr. Jones: Brad Scarlett?

Mr. Scarlett: Approve with conditions.

Mr. Jones: Chris Higgins?

Mr. Higgins: Approve with conditions.

Mr. Jones: Chairman Tom Decker?

Mr. Decker: Approve with conditions.

**Final Vote: 5/0/0 Approve; April 20-117F; Cucchiara Corners– Final Plat
With three (3) Conditions**

Mr. Decker: Asked for a staff report on case April 20-118CUP, a request for the approval of a Conditional Use Permit for a commercial wireless communication tower/antenna on Agricultural (AG) District zoned property located at 17800 NE 120th Street, the applicant is Kevin Smith, Tiger Computer Consulting, LLC, representing Cheryl Phillips.

Mr. Jones: Attaches the staff report as part of the official record, summarizes April 20-118CUP dated May 18, 2020.

Mr. Decker: Asked if there were questions from the Commission.

Mr. Higgins: Inquired if there were any complaints from the neighbors.

Mr. Jones: Stated Planning and Zoning staff had a few calls inquiring about the Conditional Use Permit but no complaints about it.

Mr. Decker: Being no other questions from the Board Members, asked if Mr. Smith understood the staff report and the conditions attached in Exhibit A.

Mr. Smith: Stated he understood and is aware of all the conditions.

Mr. Decker: Opens public comment, being none, asked if the Board had any other questions.

Mr. Davis: Asked how many of these towers are in Clay County.

Mr. Jones: Stated he did not know and would have to research that.

Mr. Decker: Being no other questions entertained a motion for the Conditions Use Permit with the conditions attached in Exhibit A.

Mr. Rhodus: Moves to approve the Conditional Use Permit with the conditions set forth in Exhibit A.

Mr. Davis: Seconds the motion.

Mr. Decker: Calls for a roll call vote.

Mr. Jones: David Rhodus?

Mr. Rhodus: Approve with conditions.

Mr. Jones: Marvin Davis?

Mr. Davis: Approve with conditions.

Mr. Jones: Brad Scarlett?

Mr. Scarlett: Approve with conditions.

Mr. Jones: Chris Higgins?

Mr. Higgins: Approve with conditions.

Mr. Jones: Chairman Tom Decker?

Mr. Decker: Approve with conditions.

**Final Vote: 5/0/0 Approve; April 20-118CUP; Communication Tower – Conditional Use Permit
With nine (9) Conditions**

Mr. Decker: Asked for a staff report on case April 20-119CUP, a request for a Conditional Use Permit for an Indoor and Outdoor Recreation and Entertainment facility on Agricultural (AG) District zoned property located at approximately 16600 C Highway, the applicant is Lyle M. Updike.

Mr. Jones: Attaches the staff report as part of the official record, summarizes April 20-119CUP dated May 21, 2020.

Mr. Decker: Asked if the Commission had any questions.

Mr. Rhodus: Inquired about condition nine under Exhibit A stated that the smaller rock that Mr. Updike has now is easier to walk on.

Mr. Jones: Responded if the Commission would like to allow the parking as it exists now, condition number nine would have to change.

Mr. Decker: Stated there have not been any complaints to the Planning and Zoning staff about the condition of the parking on the Updike property that an exception could be made for using the grass as overflow parking and keeping the rock on the parking lot as it is now. Asked if there were any other questions for staff, being none calls on the applicant.

Mr. Updike: Stated they have had events there for 14 years, at the most they have had 10 to 20 cars once to twice a week at the most, some months they don't have any events. Stated they do a lot of charity events. Their sewer system was approved by the Health Department originally; they changed some things inside the building but have not increased the capacity so the sewer should not be an issue. They do one event a year that draws a large crowd. Sixty percent of their business is off premise by delivering the food.

Mr. Decker: Asked Mr. Updike if he understood the Staff Report and the conditions attached.

Mr. Updike: Stated he did. Stated he has been in contact with the Health Department.

Mr. Decker: Asked if any of the other Board Members had any questions, being none opened public comment. Being none, moved on to amend condition number nine, there has been no complaints on the overflow parking or dust from the parking lot in the last 14 years, Commission can add to condition nine that "the overflow parking can remain as is".

Mr. Rhodus: Agrees that Mr. Updike should be able to leave the parking conditions as they are.

Mr. Jones: Stated the Commission could change number nine to "off street parking areas and drive aisles can consist of gravel surfacing" and leave the rest the way it is. To keep the grass overflow parking condition nine can read "Off-street parking areas and drive aisles can exist of gravel surfacing or grass for overflow parking" taking out the minimum of large 2-inch clean rock.

Mr. Decker: Agreed to that wording, asked if the Board had any other questions. Calls for a motion for the Updike Conditional Use Permit with conditions in Exhibit A along with the amended condition nine as discussed.

Mr. Davis: Moves to approve.

Mr. Rhodus: Seconds the motion.

Mr. Decker: Calls for a vote.

Mr. Jones: David Rhodus?

Mr. Rhodus: Approve with conditions.

Mr. Jones: Marvin Davis?

Mr. Davis: Approve with conditions.

Mr. Jones: Brad Scarlett?

Mr. Scarlett: Approve with conditions.

Mr. Jones: Chris Higgins?

Mr. Higgins: Approve with conditions.

Mr. Jones: Chairman Tom Decker?

Mr. Decker: Abstain.

Final Vote: 4/0/1 Approve; April 20-119CUP; Updike Indoor/Outdoor Recreation – Conditional Use Permit

With eleven (11) Conditions

Mr. Decker: Asked for a staff report on case May 20-120RZ/P, a request for rezoning from Agricultural (AG) District to Residential Ranchette (R-5) District with an Agricultural Land

Preservation (ALP) Preservation Overlay District (POD) and preliminary plat approval of Whispering Creek Farms Phase II, located at approximately Mount Olivet Road and NE 144th Street, the applicants are Dwight and Maureen Friedley.

Mr. Jones: Attaches the staff report as part of the official record, summarizes May 20-120RZ/P dated May 20, 2020.

Mr. Decker: Asked if the Board members had any questions, stated he had read the letters submitted from the neighbors and their concerns about the traffic, he believed a traffic study should be done.

Mr. Higgins: Agreed with what Mr. Decker stated and added he thought a second entrance should be added to the subdivision coming in from the Green Briar subdivision.

Mr. Jones: Stated the area by the cul-de-sac that connects to Green Briar, has floodplain in that area and a Blue Line Stream that might be the reason that road does not go through.

Mr. Decker: Inquired if a traffic study would come up with an alternative ingress/egress. Second concern heard from the neighbors was about the water, a study will be done to determine if there is enough water pressure (*inaudible*) there will be studies done and departments, Missouri Department of Natural Resources and Clay County Health Department, work together to address these concerns before the subdivision being approved. Being no other questions from the Board for Planning and Zoning staff asked the applicant to state name and address.

Mr. Friedley: Joined meeting.

Mr. Decker: Asked if Mr. Friedley understood the staff report and the conditions attached in Exhibit A and the concerns of the traffic by the neighbors and a traffic study being done.

Mr. Friedley: Stated he understood.

Mr. Decker: Asked if he was good with the staff's recommendations and comments (*inaudible*)

Mr. Friedley: Stated yes he was good with all the recommendations.

Mr. Decker: Asked if anyone on the Planning and Zoning Board had any questions for Mr. Friedley.

Mr. Higgins: Inquired about the pond on the plat if accessible to all the property owners in the subdivision.

Mr. Friedley: Stated the ponds will dedicated to the lot that they are on and will not be shared by any other homeowner.

Mr. Jones: Stated that the Planning and Zoning staff did not want property lines to go through ponds, that is why it is on one property.

Mr. Decker: Asked if the ponds were going to be incorporated into the ALP (*Agricultural Land Preservation Overlay District*).

Mr. Jones: Replied they will be in the ALP but the ponds are on one lot each.

Mr. Decker: Stated the total ALP is a little over 25% of the total acreage and inquired if that met the County's standards.

Mr. Jones: Replied yes, lots between five and ten acres require 25%.

Mr. Higgins: Stated this is a general oversite on the entire 80 acres.

Mr. Jones: Sated it is not being done per lot; it is done as a group 25% of all the acres.

Mr. Higgins: Inquired what our maximum is on the ALP.

Mr. Jones: Stated the maximum that is required for ALP is 30% for lots between 10 and 20 acres.

Mr. Higgins: Inquired on how many lots would come off the cul-de-sac on Black Oak Dr.

Mr. Friedley: Stated two lots would utilize that cul-de-sac.

Mr. Jones: Stated there was floodplain on those lots and discussed how houses are built on lots with floodplain in Clay County.

Mr. Decker: Asked if the Board had any more questions for the applicant, being none opened public comments.

Mr. Yeatman: Stated his concern on neighbor's investment in 10 plus acres and now the five acre lots next to the larger parcels and how that will affect their property values, would like to see larger lots in this subdivision, more entrances into the subdivision.

Mr. Decker: Reiterated the Commission will recommend a traffic study to be done for this subdivision.

Mr. Yeatman: Stated concerns about the water pressure in that area.

Mr. Cummings: Stated his concerns on how the lots sizes fit into this area, how the Agricultural Land Preservation Overlay was placed on the lots and in the easements in the subdivision and the traffic this subdivision will create.

Mr. Chambers: Stated his concerns for the traffic and the stormwater runoff onto his property.

Ms. Lee: Stated the code in the Land Development Code Chapter 151-1.7 (*Purpose and Intent*), look at points D, F, G & H to see if the proposed subdivision meets those criteria.

Mr. Nelson: Agrees the traffic study needs to be done.

Ms. Carlile: Stated her concerns about lot size, the amount of houses being built in the area, would like to see 10 acre lots.

Ms. Partch: Inquired why the lot sizes changed from the proposed plat last year.

Mr. Jones: Replied that may be a question better answered by Mr. Friedley. That plan was not a binding plan; he had submitted a development plan for this property per the Planning and Zoning Commission and County Commission request.

Mr. Friedley: Stated at that time they were still trying to figure out how they wanted to lay out the lots. With the new plan includes more cul-de-sacs and more privacy for the lots because of the road layout and with 5 acre lots there could be more walkout houses.

Ms. Partch: Stated another concern is the irregular lot lines and causing property line disputes in the future. Stated lots sizes would not change how people build on the land, what a person can build on a 5 acre lot can be built on a 20 acre lot. Also stated she does like the road infrastructure better but that is a lot of houses proposed on an irregular space.

Mr. Jones: Discusses stormwater on new development, the County will require a stormwater study that may affect the number of lots that will be platted. That will be done at the construction plan phase.

Mr. Brinkley: Stated his concerns of lot sizes, would like to see 10 acre lots or larger, on the larger parcel of land being subdivided, with one way in and out either on 144th Street or Mount Olivet Road, the larger lots would match the other lots of the surrounding property owners. On the other smaller parcel of land included in this proposed subdivision do the R-5 zoning closer to the Green Briar Subdivision and have access to that through the Green Briar Subdivision.

Ms. Dorsey: Stated her concerns about infrastructure being maintained and coming through their property, concerns of traffic and the number of houses proposed for this subdivision.

Mr. Carlile: Agreed with the last two comments, would like to see 10 plus size lots.

Mr. Dugan: Agreed also with previous comments, concerns with the proposed street coming in and out of the subdivision is right across the street from their house and all the traffic going in and out right in line with their house and the car lights shining in their front windows.

Mr. Ballenger: Agreed with the concerns for the traffic, the change of lot sizes from the proposed plat from last fall, another concern about adding more houses and how that would affect internet speed and concerned about this being such a large development what would happen if there is a financial downturn. Inquired if this be done in phases, what if the roads are put in and then nothing happens for years because of the economy.

Mr. Carlile: Restated the concern for the internet connection and adding more houses would create more issues.

Mr. Decker: Being no more public comments closes the public comments. Restated concerns for this proposal, the traffic issue, would like to see this tabled for a traffic study or a traffic study be added to the conditions if the Commission would like to vote on the subdivision at this meeting.

Mr. Jones: Stated the Commission could change condition number eight and require the traffic study done by an Engineer or if the Commission has issues that need to be answered and would like to table the case for a month or two that could be another option.

Mr. Decker: Talked about the biggest concern from the neighbors is the traffic and would like the traffic study done whether before approval or table the case and come back with a traffic study at the next scheduled meeting.

Mr. Friedley: Inquired on how long it took to do a traffic study, not sure if one could be done in less than 30 day.

Mr. Jones: Recommends tabling for a couple months, he did not believe a traffic study could be done in less than a month or add as a condition.

Mr. Decker: Stated that if the case was tabled for a couple of months that the applicant can look at stormwater retention and reconfiguring some of the lots and see about getting a second entrance.

Mr. Higgins: Asked if the applicant would consider a second entrance to take off some of the pressure off of the one entrance on the plat.

Mr. Friedley: Stated with the floodplain on the property close to Green Briar it would not be financially possible to put in a second entrance there.

Mr. Davis: Stated that a traffic study needs to be done and he would like a second entrance and the layout changed.

Mr. Higgins: Agreed with Mr. Davis, with some of the lot shapes and needing a second entrance.

Mr. Decker: Entertains a motion to table the preliminary plat of Whispering Creek Farms Phase II.

Mr. Davis: Moves to table.

Mr. Higgins: Seconds the motion.

Mr. Decker: Calls for a vote.

Mr. Jones: David Rhodus?

Mr. Rhodus: Approve.

Mr. Jones: Marvin Davis?

Mr. Davis: Approve.

Mr. Jones: Brad Scarlett?

Mr. Scarlett: Approve.

Mr. Jones: Chris Higgins?

Mr. Higgins: Approve

Mr. Jones: Chairman Tom Decker?

Mr. Decker: Approve.

Final Vote: 5/0/0 Table; May 20-120RZ/F; Whispering Creek Farm Phase II – Preliminary Plat

Mr. Decker: Asked for a staff report for case June 20-121P, a request for preliminary plat approval for the proposed subdivision of Arley Meadows locate at approximately 18915 Fightmaster Road, the applicants are Derek and Andrea Ellis.

Mr. Jones: Attaches the staff report as part of the official record, summarizes June 20-121P dated May 11, 2020. Stated that condition two can be amended to read that “the Clay County Highway Department confirmation of Lot 2 gate and entrance removed before the issuance of a Driveway Permit for a Single Family Residence for Lot 2” The Highway Department agreed that they can tie that to the issuance of the driveway permit when a house is built there rather than that to be done now, allowing the applicant to use the exiting farm entrance as along as it used as a farm entrance. The Highway Department was good with that and the applicant would prefer that also.

Mr. Decker: Inquires about where the exiting entrance to the property is now, it shows the proposed entrance on the plat.

Mr. Jones: Stated that would be a good question for the applicant.

Mr. Decker: Asked if the Board had any questions for staff, being none calls on the applicant.

Mr. Ellis: Stated the exiting driveway that is being used now is south of the proposed driveway.

Mr. Decker: Asked Mr. Ellis if he understood the staff report and the conditions attached.

Mr. Ellis: Stated he understood and the ponds have been inspected recently.

Mr. Decker: Asked if the Board had any questions for the applicant, being none opened public comment; being none entertains a motion for the preliminary plat for Arley Meadows with conditions attached in Exhibit A.

Mr. Jones: Inquired if the Board would like to amend the condition number two.

Mr. Decker: Motions to approve with amended condition two.

Mr. Davis: Moves to approve with the amended conditions.

Mr. Scarlett: Seconds the motion.

Mr. Decker: Calls for a vote.

Mr. Jones: David Rhodus?

Mr. Rhodus: Approve with conditions.

Mr. Jones: Marvin Davis?

Mr. Davis: Approve with conditions.

Mr. Jones: Brad Scarlett?

Mr. Scarlett: Approve with conditions.

Mr. Jones: Chris Higgins?

Mr. Higgins: Approve with conditions.

Mr. Jones: Chairman Tom Decker?

Mr. Decker: Approve with conditions.

**Final Vote: 5/0/0 Approve; May 20-121P; Arley Meadows – Preliminary Plat
With two (2) Conditions**

Mr. Decker: Asked for a staff report on case June 20-122F, a request for the proposed subdivision of Arley Meadows located at approximately 18915 Fightmaster Road, the applicants are Derek and Andrea Ellis.

Mr. Jones: Attaches the staff report as part of the official record, summarizes May 20-122F dated May 18, 2020. Requests to amend condition two.

Mr. Decker: Asked if the Board had any questions being none, calls on the applicant, asked Mr. Ellis if he understood the staff report and the conditions attached in Exhibit A.

Mr. Ellis: Replied yes he understood and did not have any questions.

Mr. Decker: Opened public comment, being none entertained a motion for the final plat of Arley Meadows with conditions in Exhibit A as amended.

Mr. Davis: Moved to approve with the amended conditions.

Mr. Scarlett: Seconds the motion.

Mr. Decker: Calls for a vote.

Mr. Jones: David Rhodus?

Mr. Rhodus: Approve with conditions.

Mr. Jones: Marvin Davis?

Mr. Davis: Approve with conditions.

Mr. Jones: Brad Scarlett?

Mr. Scarlett: Approve with conditions.

Mr. Jones: Chris Higgins?

Mr. Higgins: Approve with conditions.

Mr. Jones: Chairman Tom Decker?

Mr. Decker: Approve with conditions.

**Final Vote: 5/0/0 Approve; May 20-122F; Arley Meadows – Final Plat
With three (3) Conditions**

Mr. Decker: Inquired if there was any additional business.

Mr. Jones: Stated there will not be a July meeting.

Mr. Decker: Entertains a motion to adjourn the meeting.

Mr. Davis: Moves to adjourn.

Mr. Rhodus: Seconds the motion.

Mr. Decker: Adjourns the meeting.

Meeting Adjourned

Chairman, Planning & Zoning Commission

Secretary, Planning & Zoning Commission

Recording Secretary